

Attorney Docket No. 980756D/LH

**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

Applicant(s): Hideyuki MASUYAMA

Serial No. : 09/912,899

Filed : July 25, 2001

For : ELECTRONIC CAMERA FOR  
MICROSCOPE

Art Unit : 2872

Examiner : J. c. Rowe

**LETTER RE. OFFICE ACTION**

Commissioner for Patents  
Washington, D.C. 20231

S I R :

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NOV 15 2002

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CERTIFICATE OF FACSIMILE  
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TO NO. 1-703-872-9318  
GROUP: 2872

TOTAL PAGES: Three (3)  
I hereby certify that this  
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Patents Office  
on the date noted below.

*[Signature]*  
S. Branne Franklin

Dated: November 15, 2002

In the event that this Paper  
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time, and to the extent not  
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charge the extension fee to  
Account No. 06-1378.

# 6  
11-19a  
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The Office Action dated November 7, 2002 has been received.

**PROBLEM:**

On page 2 of the Office Action, the Examiner indicated that the Information Disclosure Statement filed July 25, 2002 fails to comply with 37 C.F.R. 1.98(a)(2), which requires a legible copy of each document. The Examiner is wrong in refusing to consider the Information Disclosure Statement for the following reason.

37 C.F.R. 1.98(d) states that copies of publications listed in an Information Disclosure Statement are not required to be provided if the information was cited or submitted in a prior application. In the present case, all of the prior art publications listed in the Information Disclosure Statement were submitted in parent application Serial No. 09/203,638, and the present application relies upon the parent application for an

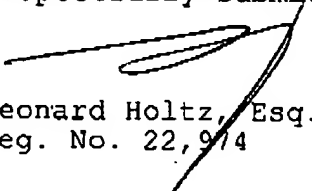
earlier filing date under 35 U.S.C. 120. Thus, according to 37 C.F.R. 1.98(d), it is not required for applicant to provide copies of the documents listed in the Information Disclosure Statement, since these documents were already supplied. In this regard, see also the top of page 13 of the PRELIMINARY AMENDMENT AND INFORMATION DISCLOSURE STATEMENT filed July 25, 2001.

It is respectfully requested that the Examiner supply a fully initialed copy of the Form PTO/SB/08A filed July 25, 2001, to confirm that all of the documents listed therein have been considered and made of record.

For the Examiner's convenience, transmitted herewith is a fresh copy of the Form PTO/SB/08A filed July 25, 2001, for the Examiner's use in providing a fully initialed copy thereof.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

  
Leonard Holtz, Esq.  
Reg. No. 22,914

Dated: November 15, 2002

Frishauf, Holtz, Goodman & Chick, P.C.  
767 Third Avenue - 25th Floor  
New York, New York 10017-2023  
Tel. No. (212) 319-4900  
Fax No. (212) 319-5101  
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USSN 09/912,899  
Art Unit: 2872

Please Nov. 15, 2002 11:48AM

HAUF & PARTNERS

No. 9377 P. 3/3

From: HOLTZ

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for Form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Application Number	09/203,638
Filing Date	HEREWITH
First Named Inventor	Hideyuki MASUYAMA
Group Art Unit	2878
Examiner Name	
Attorney Docket Number	980756D/LH

Sheet 1 of 1

**U.S. PATENT DOCUMENTS**

Exam. Initials*	Cite No <sup>1</sup>	Document Number	Kind Code <sup>3</sup>	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion
		5,134,662		BACUS, ET AL	7-28-1992	
		5,481,401		KITA, ET AL	1-2-1996	
		5,548,661		J.H. PRICE	8-20-1996	
		5,933,513		T. YONEYAMA	8-3-1999	

**FOREIGN PATENT DOCUMENTS**

Exam. Initials*	Cite No <sup>1</sup>	Doc <sup>2</sup>	Document Number <sup>4</sup>	Kind Code <sup>3</sup>	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion	T <sup>5</sup>
		JP	6-351027	A		12-22-1994		
		JP	7-199077	A		8-4-1995		
		JP	9-102899	A		4-5-1997		
		JP	8-237679	A		9-13-1996		

Examiner Signature

Date Considered

\* EXAMINER: Initial is reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.  
 Unique citation designation number. See kinds of U.S. Patent Documents. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Place a check here if English translation is attached.  
 DATE MAILED: July 25, 2001